

# Notice of Allowability

Application No.

10/642,360

Examiner

Zheng Wei

Applicant(s)

WOLFF ET AL.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's submission filed on 07/03/2007.
2. ☒ The allowed claim(s) is/are 1-20, 22-24, 26-28, 30-33 and 35-37 (renumbered as 1-33).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
TUAN DAM  
SUPERVISORY PATENT EXAMINER

### **DETAILED ACTION**

1. This office action is in response to the amendment filed on 09/25/2007.
2. Claims 1-20, 22-24, 26-28, 30-33 and 35-37 remain pending and now being allowed.

### ***Response to Arguments***

3. Applicant's arguments with respect to the rejection of claims 1-5, 7, 13-15, 18, 19, 21, 26, 27, 29 and 35 under 35 U.S.C. 102(b) and claims 6, 8-12, 16-17, 20, 22- 25, 28, 30-34 and 36-37 under 35 U.S.C. 103(a) have been fully considered and are persuasive. The rejection has been withdrawn

### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
5. Authorization for this examiner's amendment was given in a telephone interview with Michelle Esteban (Reg. No. 59,880) on September 25, 2007. A proposed amendment has been received and adopted by the Examiner. See pages 5-12 attached hereto.
6. Claims 1, 3, 9, 11, 13, 15, 18, 22, 26, 31, 36 have been amended.
7. Claims 21, 25, 29 and 34 have been cancelled.

***Allowable Subject Matter***

8. As Applicants point out under Remarks section at pages 10-16, the closest cited prior art of Steele (Guy L. Steele, Common Lisp the language, 2<sup>nd</sup> edition) does not teach or fairly suggest at least the feature of evaluating program expression including: "receiving code for a program, said code includes one or more expressions and one or more makers that specify a particular time when said one or more expressions should be evaluated during execution of said program; and automatically providing additional functionality to said code for said program, said additional functionality evaluated said one or more expressions during execution of said program at one or more times specified by said one or more makers" or "accessing code that includes an expression defining a first variable, said expression is dependent on a changeable item; and compiling said code, said step of compiling said code adds additional functionality to said code, said additional functionality evaluates said expression when said item changes and updates said first variable" and in as such manners as in each of independent claims 1, 9, 13, 18, 22, 26, 31 and 36. The dependent claims are allowable for at least the same reasons.
9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2192

***Conclusion***

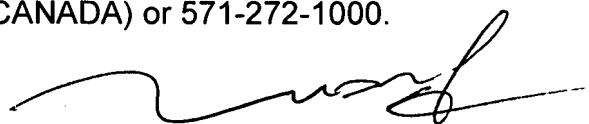
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zheng Wei whose telephone number is (571) 270-1059 and Fax number is (571) 270-02059. The examiner can normally be reached on Monday-Thursday 8:00-15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571- 272-1000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZW



TUAN DAM  
SUPERVISORY PATENT EXAMINER